

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 1, 2021

3:07 p.m.

DRAFT

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative James Kaufman

MEMBERS ABSENT

Representative David Eastman

COMMITTEE CALENDAR

HOUSE BILL NO. 118

"An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to the duties of the commissioner of corrections; relating to living conditions for prisoners; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 106

"An Act relating to missing persons under 21 years of age."

- HEARD & HELD

HOUSE BILL NO. 103

"An Act relating to house rules for assisted living homes."

- MOVED HB 103 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 118

SHORT TITLE: EXPANDING PRISONER ACCESS TO COMPUTERS

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

03/01/21	(H)	READ THE FIRST TIME - REFERRALS
03/01/21	(H)	STA
03/18/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/18/21	(H)	Heard & Held
03/18/21	(H)	MINUTE(STA)
03/23/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/23/21	(H)	Heard & Held
03/23/21	(H)	MINUTE(STA)
04/01/21	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 106

SHORT TITLE: MISSING PERSONS UNDER 21 YEARS OLD

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/19/21	(H)	READ THE FIRST TIME - REFERRALS
02/19/21	(H)	STA, HSS
03/11/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/11/21	(H)	Scheduled but Not Heard
03/16/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/16/21	(H)	Heard & Held
03/16/21	(H)	MINUTE(STA)
03/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/25/21	(H)	-- MEETING CANCELED --
04/01/21	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 103

SHORT TITLE: ASSISTED LIVING HOMES: HOUSE RULES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, HSS
03/18/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/18/21	(H)	Heard & Held
03/18/21	(H)	MINUTE(STA)
03/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/25/21	(H)	-- MEETING CANCELED --
04/01/21	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

LINDSAY BIRK, Staff
 Representative Jonathan Kreiss-Tomkins
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Provided an explanation of amendments during the hearing on HB 118, on behalf of Representative Kreiss-Tomkins, prime sponsor.

KELLY GOODE, Deputy Commissioner
Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 118.

RANDI BREAGER, Special Assistant
Office of the Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 106.

KATHY MONFREDA, Director
Division of Statewide Services
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 106.

JOHN LEE, Director
Division of Senior and Disability Services
Department of Health and Social Services
Palmer, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 103.

CRAIG BAXTER, Assisted Living Home Manager
Division of Health Care Services
Department of Health and Social Services
Anchorage, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 103.

ACTION NARRATIVE

[3:07:00 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:07 p.m. Representatives Story, Tarr, Vance, Kaufman, Claman, and Kreiss-Tomkins were present at the call to order.

^#hb118

HB 118-EXPANDING PRISONER ACCESS TO COMPUTERS

[3:07:48 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 118, "An Act relating to state

identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to the duties of the commissioner of corrections; relating to living conditions for prisoners; and providing for an effective date."

[3:08:37 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 1, [labeled 32-LS0024\B.2, Radford, 4/1/21], which read:

Page 7, lines 1 - 2:

Delete "[(A) OBTAINING STATE IDENTIFICATION;
(B)] "

Insert "(A) obtaining state identification if one or more prisoners will not otherwise possess a valid state identification card upon release;

(B) "

REPRESENTATIVE CLAMAN objected for the purpose of discussion.

[3:09:40 PM](#)

LINDSAY BIRK, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss Tomkins, prime sponsor of HB 118, said the in its current form, the bill would remove a mandatory tutorial on how to receive a state identification (ID) card. Amendment 1 would reinsert that language into the bill, such that a prisoner without a valid ID would participate in a mandatory tutorial before leaving prison, which would teach him/her how to receive an ID.

[3:10:31 PM](#)

REPRESENTATIVE VANCE asked whether the bill would assist prisoners with the renewal of their licenses online or by mail while incarcerated.

MS. BIRK was unsure of the answer.

[3:11:25 PM](#)

KELLY GOODE, Deputy Commissioner, Department of Corrections, explained that state IDs are kept in the prisoners' property to be distributed upon release. She said institutional probation officers would work with the releasing inmates on how best to get a new ID. She added that prisoners would be given a voucher that allows the Division of Motor Vehicles (DMV) to bill the

Department of Corrections (DOC) for tasks, such as getting a new ID picture taken.

REPRESENTATIVE VANCE clarified her question, asking whether license renewals could be accomplished while incarcerated or if the prisoners would have to wait "until they are under the care of the probation officer."

MS. GOODE explained that the institutional probation officers (IPOs) work with prisoners inside the facilities. She shared her understanding that there would be no action taken on a request for a license renewal; however, the IPO would work with prisoners prior to release on the best way to get a valid ID.

REPRESENTATIVE VANCE observed that being unable to renew one's license while incarcerated could be an unrecognized hurdle, which creates further obstacles once released. She surmised that assisting with renewals could ease some of the burden that this legislation is attempting to address.

MS. GOODE clarified that DOC is capable of assisting with a prisoner's ID renewal when necessary.

[3:15:12 PM](#)

REPRESENTATIVE CLAMAN sought to clarify the purpose of the following language in Amendment 1: "if one or more prisoners will not otherwise possess a valid state identification card upon release".

MS. BIRK said the language indicates that if a prisoner [possesses a valid ID], he/she would not have to participate in the tutorial. She began to address the phrase "one or more" and asked whether that is Representative Claman's specific concern.

REPRESENTATIVE CLAMAN confirmed. He shared his belief that "one or more" wouldn't add anything to the bill because it's likely that, systemwide, there's at least one prisoner that may not have a valid ID card upon release.

MS. BIRK was unsure whether "one or more" adds to or detracts from the bill.

[3:16:58 PM](#)

The committee took an at-ease from 3:16 p.m. to 3:18 p.m.

[3:18:25 PM](#)

CHAIR KREISS-TOMKINS stated his understanding that the language in question suggests that if 100 percent of the releasing prisoners had ID cards, the training requirement would not apply; however, if one or more of the prisoners did not possess a valid ID, the tutorial would be required. He noted that in conversations with reentry groups, this was the preferred language.

[3:20:02 PM](#)

REPRESENTATIVE KAUFMAN proposed replacing "one or more" with "any." He asked whether that would satisfy the sponsor's intent.

CHAIR KREISS-TOMKINS agreed that "any" would imply the same substantive meaning; however, he expressed no interest in changing the language.

REPRESENTATIVE CLAMAN voiced his support for the existing language in Amendment 1, as reentry groups had emphasized it's importance.

CHAIR KREISS-TOMKINS agreed.

[3:21:09 PM](#)

REPRESENTATIVE CLAMAN withdrew his objection to the adoption of Amendment 1. Without further objection, Amendment 1 was adopted.

[3:21:23 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 2, [labeled 32-LS0024\B.3, Radford, 4/1/21], which read:

Page 4, lines 16 - 22:

Delete all material and insert:

"(11) make a good faith effort, in consultation with the commissioner of administration, to ensure [ASSIST] a prisoner has [IN OBTAINING] a valid state identification card upon the prisoner's release; if the prisoner does not have a valid state identification card before the prisoner's release, [;] the department shall pay the application fee for the identification card; and"

REPRESENTATIVE CLAMAN objected for the purpose of discussion.

[3:21:43 PM](#)

MS. BIRK informed the committee that Amendment 2 would clarify the bill's purpose by streamlining the language.

[3:22:16 PM](#)

REPRESENTATIVE CLAMAN asked whether removing the language that requires DOC to assist prisoners serving terms of imprisonment "exceeding 120 days" would create problems for department.

MS. GOODE said if the last 4 lines of Amendment 2 would allow the department to continue providing vouchers to prisoners who release in under 120 days, the department is supportive of the amendment. She asked if she interpreted the language correctly.

REPRESENTATIVE CLAMAN deferred to the department's expertise.

[3:24:26 PM](#)

REPRESENTATIVE VANCE questioned whether removing the 120-day timeframe could increase the fiscal note due to an increased use of vouchers.

MS. GOODE shared her belief that there would not be a significant difference in cost, adding that vouchers are already provided to any [inmate] who may need one.

[3:25:25 PM](#)

REPRESENTATIVE CLAMAN removed his objection to the adoption of Amendment 2. Without further objection, Amendment 2 was adopted.

[3:25:43 PM](#)

CHAIR KREISS-TOMKINS announced that HB 118, as amended, was held over.

^#hb106

HB 106-MISSING PERSONS UNDER 21 YEARS OLD

[3:25:57 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 106, "An Act relating to missing persons under 21 years of age."

CHAIR KREISS-TOMKINS invited questions from the committee.

[3:27:09 PM](#)

REPRESENTATIVE VANCE asked why the bill pertains to missing persons under the age of 21 as opposed to 18.

[3:27:55 PM](#)

RANDI BREAGER, Special Assistant, Office of the Commissioner, Department of Public Safety, indicated that recent changes in federal law require amending Alaska statutes for consistency. She deferred to Ms. Monfreda for further explanation.

[3:28:35 PM](#)

KATHY MONFREDA, Director, Division of Statewide Services, Department of Public Safety, explained that federal law was changed to require the reporting of missing people under the age of 21 primarily based on Suzanne's Law, which was designed to provide extra protection for people [between the ages of 18 and 21] in the vulnerable college-age population. She shared her belief that age 21 was chosen because it is viewed as the threshold of adulthood.

REPRESENTATIVE VANCE questioned what vulnerabilities exist among the 18-21 age group that lawmakers should be aware of.

MS. MONFREDA stated her understanding that the age group is more vulnerable to coercion due to the decision-making ability and gullibility at that age.

[3:31:01 PM](#)

CHAIR KREISS-TOMKINS opened public testimony. After ascertaining that no one wished to testify, he closed public testimony.

[HB 106 was held over.]

^#hb103

HB 103-ASSISTED LIVING HOMES: HOUSE RULES

3:31:13 PM

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 103, "An Act relating to house rules for assisted living homes."

CHAIR KREISS-TOMKINS questioned whether HB 103 would affect operations for any subset of assisted living facilities and whether they would struggle to meet the standards that would be codified in the bill.

3:33:08 PM

JOHN LEE, Director, Division of Senior and Disability Services, Department of Health and Social Services, reported that 650 of the 700 assisted living facilities that are licensed by the state are currently in compliance. He said he anticipates no significant challenges from non-compliant providers, as the required changes are minor.

3:33:53 PM

CRAIG BAXTER, Assisted Living Home Manager, Division of Health Care Services, Department of Health and Social Services, shared his belief that the bill would not be burdensome for facilities that are not in current compliance with the required standards. He reiterated that approximately 650 of the 705 assisted living homes are already in compliance because they are state certified. He said he did not envision the remaining facilities struggling to implement the changes.

CHAIR KREISS-TOMKINS asked why the remaining 50 facilities would choose not to be Medicaid certified.

MR. LEE said the majority of providers in Alaska take Medicaid clients; however, some providers, for various reasons, focus on private pay or areas outside the provisions of Medicaid.

MR. BAXTER noted that a handful are new providers that have not yet applied for certification. He surmised that some facilities choose to care for specific individuals who are private pay so there's no need for certification. Additionally, other facilities that meet licensing standards are unable to meet the standards for certification. He speculated that there is probably another small subset of [facilities] that had allowed their certification to lapse.

3:36:29 PM

CHAIR KREISS-TOMKINS referenced page 1, lines 11-12, and asked for a description of the visitation rights provided under 42 C.F.R.441.301(c) (4) (vi) (D) .

MR. LEE relayed that 42 C.F.R states that if a facility chooses to set house rules, the rules must allow individual choice. More specifically, individuals must be allowed to have visitors of their own choosing at any time. Therefore, assisted living homes may not adopt house rules that restrict those rights.

CHAIR KREISS-TOMKINS asked whether Mr. Lee had observed facilities in Alaska with unduly restrictive choice or individual access.

MR. BAXTER said if the Division of Health Care Services became aware of that, the division would typically follow up with an investigation to determine the validity of the complaint. If the division determined the facility was out of compliance, it would be notified and required to show a plan of correction. he added that chronic offenders or a particularly egregious offense may require enforcement action. He shared that when Medicaid [facilities] implemented these specific visitation requirements, there were no issues aside for some pushback from facilities that expressed logistic concerns.

3:39:27 PM

REPRESENTATIVE STORY asked how the quality care of residents is ensured in the 50 facilities that are not compliant.

MR. BAXTER said [the Division of Health Care Services] conducts biannual inspections of most assisted living homes. If a facility is new or had its license reduced to a provisional license because of enforcement action, an annual inspection is conducted. He added that some facilities receive more frequent inspections due to their history of compliance. He reported that the division receives 8,000-10,000 critical (indisc.) reports annually, which are reviewed for compliance purposes to ensure that the facilities are responding appropriately to events and occurrences within their home. He approximated that 400 of those annual reports are upgraded to ensure that the facilities receive on-site investigation of compliance. Additionally, the division maintains routine contact with providers through a variety of training efforts. Groups that participate in on-site visits for that purpose typically

communicate any concerns they may have about the facilities, which initiates follow-up inspections by the division to ensure compliance when necessary.

[3:41:34 PM](#)

REPRESENTATIVE STORY asked whether the department had ever required the closure of a facility until the necessary changes were made.

MR. BAXTER affirmed that every year, a handful of homes are closed by the department through an immediate revocation or suspension. Occasionally, settlement agreements or correction plans are entered into to allow the facilities to reopen; however, if a facility is closing because of its compliance history, it's typically beyond what the department considers a safe home for residents to reside in. He added that typically, it's abuse, neglect, financial exploitation, failure to require background checks, or failure to provide adequate fire safety. He explained that the department implements the policy of progressive enforcement action, so that by the time closure of the home or non-renewal of the license is required, it's justified. He reported that only 14 percent of the facilities statewide have had substantial complaints against them. He emphasized that the department's preference is for the facility to first, fix the problem as opposed to shutting its doors. He said closure is traumatic because it displaces residents and puts employees out of work; furthermore, in smaller communities, closing homes is often detrimental because alternative services are not available.

REPRESENTATIVE STORY inquired about the compliance deadline.

MR. LEE said the federal government's deadline is March of 2023.

[3:45:01 PM](#)

The committee took a brief at-ease.

[3:46:10 PM](#)

REPRESENTATIVE VANCE asked what kind of guidance is provided to assisted living homes that are not state-run facilities regarding [COVID-19] restrictions for residents.

MR. LEE clarified that the bill is not related to the pandemic. Nonetheless, he noted that during the pandemic, the state

disaster declaration and the federal government allowed the suspension of certain regulations. He further noted that the state produced visitation guidelines.

REPRESENTATIVE VANCE asked if the bill were to pass, what would happen to the assisted living homes that failed to comply with the required changes.

MR. BAXTER explained that if a facility were out of compliance, a finding against the facility would be assembled via a report of inspection or investigation. The home would then be notified and asked to make the necessary corrections. Additionally, should the bill pass, the department would require that the facility update its house rules to reflect the necessary changes.

REPRESENTATIVE CLAMAN surmised that this matter pertains to the federal supremacy clause, such that the homes would lose their Medicaid funding if they failed to comply with the federal requirements. He said the state could set any rule they want, but if the federal government implements a rule that limits visitation, homes would be forced to follow that rule during the suspension of regulations. He asked if that is correct.

MR. LEE asked Representative Claman to repeat his question.

[3:52:07 PM](#)

REPRESENTATIVE CLAMAN asked whether an assisted living home receiving federal funds is required to follow federal rule.

MR. LEE said Medicaid certified facilities are required to meet these statutes.

REPRESENTATIVE CLAMAN interjected and clarified that he had asked about the COVID-19-related suspension of regulations. He sought verification that homes must follow federal rules during a suspension because otherwise, they would lose their federal funding.

MR. LEE replied these rules were suspended during the federal public health emergency.

REPRESENTATIVE CLAMAN sought confirmation that the federal government had provided visitation guidelines.

MR. LEE replied in the affirmative.

REPRESENTATIVE CLAMAN sought confirmation that homes receiving federal funds must follow the visitation guidelines set by the federal government.

MR. LEE answered yes. He added that the state had issued guidelines to the facilities on how to operate safely during the pandemic.

REPRESENTATIVE CLAMAN asked whether the facilities in Alaska are following direction from the federal government or the state on how to manage visitation during the public health emergency.

MR. LEE said during the pandemic, the federal government allowed states to relax their rules; therefore, the facilities were following state guidelines.

[3:54:47 PM](#)

The committee took a brief at-ease.

[3:55:16 PM](#)

CHAIR KREISS-TOMKINS opened public testimony. After ascertaining that no one wished to testify, he closed public testimony.

[3:55:44 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 103 out of committee with individual recommendations and the accompanying fiscal notes. Without objection, HB 103 was moved from the House State Affairs Standing Committee.

#

[3:56:30 PM](#)

CHAIR KREISS-TOMKINS provided closing remarks on housekeeping items.

[3:56:57 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:56 p.m.